

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

SCOTT EUNGARD,

Plaintiff,

Case No. 05-60272

v.

Hon. John Corbett O'Meara

OPEN SOLUTIONS, INC.,

Defendant.

**ORDER GRANTING PLAINTIFF'S
MOTION IN LIMINE**

Before the court is Plaintiff's motion in limine, filed January 13, 2009. Defendant submitted a response on January 20, 2009; Plaintiff filed a reply brief on January 21, 2009.

This is a dispute involving sales commissions. Plaintiff seeks to preclude Defendant from offering evidence at trial that certain orders were not "closed" as of Plaintiff's termination date. Plaintiff contends that the Court of Appeals for the Sixth Circuit has ruled as a matter of law that the orders at issue were "closed orders" as of July 2, 2004. This court agrees that the Sixth Circuit has so ruled. See Eungard v. Open Solutions, Inc., 517 F.3d 891, 894-95 (6th Cir. 2008).

Accordingly, IT IS HEREBY ORDERED that Plaintiff's motion in limine is GRANTED.

s/John Corbett O'Meara
United States District Judge

Date: January 26, 2009

I hereby certify that a copy of the foregoing document was served upon the parties of record on this date, January 26, 2009, by electronic and/or ordinary mail.

s/William Barkholz
Case Manager